

### **REMARKS**

Applicant would like to thank the Examiner for the courtesies extended to applicant's representative during a telephone interview on February 12, 2004. During that interview, the Examiner indicated that the arguments as set forth below would define patentable subject matter over the relied upon references. Claims 18-27, 44, 45, and 48-50 are now pending in the application. Claims 18, 23, and 44 have been amended in the present application. Claims 46 and 47 have been cancelled in favor of Claims 48-50 which have been added to the present application. Basis for the above amendments may be found throughout the specification, drawings and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 18, 23 and 44-47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,811,380 (Spear) in view of U.S. Patent No. 6,477,373 (Rappaport). This rejection is respectfully traversed.

Spear is directed generally to a cellular communication system having dropped call protection. As noted by the Examiner, Spear fails to disclose a parameter which identifies a communication protocol reason for failure and a count of the number of failure occurring for the same communication protocol reason. The Examiner then relies on Rappaport to teach this aspect of Applicant's claimed invention.

Rappaport is directed generally to a method for maintaining connectivity for mobile terminals. Contrary to the Examiner's assertion, Rappaport does not teach or suggest a mobile station that transmits a reason for the connection failure. Moreover, Rappaport does not teach or suggest a mobile station that further transmits a count of the connection failures that have occurred for the same reason.

In contrast, Applicant's invention is directed generally to a technique that enables the communication infrastructure to intelligently adapt access parameters. Of note, Applicant's claimed invention transmits a parameter which identifies a reason for the connection request failure and a count of the number of connection request failures occurring for the same reason. Although it is believed that the pending claims are patentably distinct over these relied upon references, independent Claims 18, 23, and 44 have been amended to more clearly define this aspect of the present invention. Therefore, it is respectfully submitted that Applicant's claimed invention defines patentable subject matter over the relied upon references. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.


#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: February 17, 2004

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